

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MICHAEL J. MACK,

Plaintiff,

vs

6:02-CV-1283

JoANNE B. BARNHART, Commissioner,  
Of Social Security,

Defendant.  
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APPEARANCES:

OF COUNSEL:

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Assistant U.S. Attorney

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Michael J. Mack, brought this action seeking judicial review pursuant to 42 U.S.C. § 405(g) of the Social Security Act. By Report and Recommendation dated June 22, 2006, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that the Commissioner's decision denying disability benefits be affirmed. The plaintiff has filed timely objections to the Report-Recommendation.

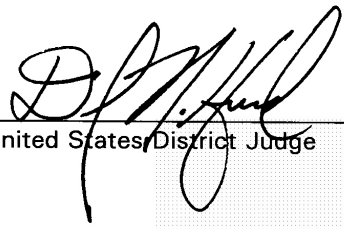
Based upon a de novo determination of the portions of the report and recommendations to which the parties have objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that

1. The Commissioner's determination is AFFIRMED; and
2. Plaintiff's complaint is DISMISSED in all respects.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

  
United States District Judge

Dated: November 20, 2006  
Utica, New York.